



PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

46220

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Application Number

10/765,062

Filed

January 28, 2004

First Named Inventor

Jung-Oh Woo

Art Unit

2628

Examiner

Washburn, Daniel C.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

applicant/inventor.

Signature

assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

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July 9, 2007

Date

Registration number under 37 CFR 1.34 _____

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required, see below*.

*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Jung-Oh Woo : Group Art Unit: 2628
Serial No.: 10/765,062 : Examiner: Washburn, Daniel C.
Filed: January 28, 2004 :
For: Device And Method For Displaying :
Pictures In Wireless Mobile Terminal :
:

ARGUMENTS FOR CONSIDERATION FILED CONCURRENT
WITH PRE-APPEAL BRIEF REQUEST FOR REVIEW

USPTO Customer Service Window,
Attn: Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

In response to the final Office Action of March 9, 2007, the Applicant submits the following arguments for consideration with the concurrently filed Pre-Appeal Brief Request For Review.

Remarks/Arguments begin on page 2 of this paper.

Remarks/Arguments:

The Examiner has rejected claims 1, 3, 4, 7 and 8 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication No. 2003-0044000 A1 to Kfouri et al., (hereinafter referred to as Kfouri) in view of U.S. Patent Publication No. 2002-0033836 A1 to Smith (hereinafter referred to as Smith).

Regarding claims 1, 7 and 8, the Examiner points to Figs. 1-4 of Kfouri as disclosing a direction detecting section (sensors) for detecting an orientation (of a manually rotatable keypad), a display controller for orienting and outputting a display based on the sensor outputs, and a display section for displaying the oriented data as either landscape or portrait. The Examiner further points to Smith as disclosing the determination of a display data size to be output based upon the detected direction, and therefore, purportedly rendering the invention claimed by the Applicant in independent claims 1, 7 and 8 obvious.

In regard to the Kfouri reference, the Examiner states that the Kfouri reference describes an electronic display device with a rotatable keypad. However, the Kfouri reference only detects position of the rotatable keypad relative to the device, and does not describe detecting the position of the device itself as claimed by the Applicant. As noted by the Examiner, it is the rotation of the display device while not rotating the keypad, or the rotation of the keypad while not rotating the display device, that is sensed by the sensor of Kfouri and used to detect the orientation of the keypad relative to the orientation of the display device and adjust the displayed image. Specifically, the detection described in the Kfouri reference is the detection of the orientation of the keypad relative to the orientation of the display device. The detection of the orientation of the device is not described or reasonably suggested by the Kfouri reference.

For example, where the keypad remains untouched as in the case of a fixed keypad, rotation of the device cannot be detected by the system and method described in the Kfouri reference. In this case, a device in an upright position cannot be differentiated from a device in an upside down position, as the keypad remains untouched. In another example, where the device remains stationary, any rotation of the keypad is detected, which cannot be confused with rotation of the device, as the device in this stated example remains stationary. In this

case, a device in constant upright position will generate rotation signals as the keypad is solely rotated.

In the first case, device rotation is not detected at all even though the device is rotated, and in the second case, rotation is detected where there is no device rotation at all. Accordingly, the Applicant asserts that at least one limitation of independent claims 1, 7 and 8, specifically, a direction detecting section and method for detecting the direction in which the mobile terminal is placed, is not met by the Kfouri reference.

Still further, neither the Kfouri reference or the Smith reference alone or in combination, disclose or reasonably suggest the use of a selectively generated fourth direction detecting signal. There is no disclosure in the Kfouri reference of a keypad orientation signal selectively generated when there is an absence of a first, second and third signal. Also, there is no disclosure in the Smith reference of an orientation generated by the orientation sensing/switching device when there is an absence of a first, second and third signal. Accordingly, the Applicant asserts that at least one limitation of independent claims 1, 5, 6, 7 and 8, specifically, a system and method for the use of a selectively generated fourth direction detecting signal in the absence of a first, second and third signal, is not met by the Kfouri reference.

The Examiner has rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Kfouri in view of Smith, and further in view of U.S. Patent No. 5,612,732 to Yuyama et al. (hereinafter referred to as Yuyama).

Regarding claim 5, the Examiner points to Kfouri as disclosing a picture display device comprising a direction detecting section, a display controller and a display section, and points to Yuyama Fig. 3 as disclosing a camera module. The Examiner further points to Smith as disclosing a device and method for changing orientation and configuration of a display device, purportedly rendering the invention claimed by the Applicant in independent claim 5 obvious.

That is, the Examiner points to Kfouri as disclosing a direction detecting section for detecting the direction in which the mobile terminal is placed as claimed by the Applicant in claim 5. However, as noted above, the Kfouri reference only discloses a system and method

for detecting a keypad orientation, and does not disclose nor reasonably suggest a direction detecting section for detecting the direction in which the mobile terminal is placed, or a method of detecting a direction in which the mobile terminal is placed.

Accordingly, the Applicant asserts that at least one limitation of independent claim 5, specifically, a direction detecting section for detecting the direction in which the mobile terminal is placed, is not met by the Kfouri reference.

Regarding claim 6, the Examiner points to Kfouri as disclosing a picture display device comprising a direction detecting section, a display controller and a display section, and points to Yuyama Fig. 3 as disclosing a tuner, decoder and video processing section. The Examiner further points to Smith as disclosing a device and method for changing orientation and configuration of a display device, purportedly rendering the invention claimed by the Applicant in independent claim 6 obvious.

That is, the Examiner points to Kfouri as disclosing a direction detecting section for detecting the direction in which the mobile terminal is placed as claimed by the Applicant in claim 6. However, as noted above, the Kfouri reference only discloses a system and method for detecting a keypad orientation, and does not disclose nor reasonably suggest a direction detecting section for detecting the direction in which the mobile terminal is placed, or a method of detecting a direction in which the mobile terminal is placed.

Accordingly, the Applicant asserts that at least one limitation of independent claim 6, specifically, a direction detecting section for detecting the direction in which the mobile terminal is placed, is not met by the Kfouri reference.

Still further, neither the Kfouri reference or the Smith reference alone or in combination, disclose or reasonably suggest the use of a selectively generated fourth direction detecting signal. There is no disclosure in the Kfouri reference of a keypad orientation signal selectively generated when there is an absence of a first, second and third signal. Also, there is no disclosure in the Smith reference of an orientation generated by the orientation sensing/switching device when there is an absence of a first, second and third signal. Accordingly, the Applicant asserts that at least one limitation of independent claims 5

and 6, specifically, a system for the use of a selectively generated fourth direction detecting signal in the absence of a first, second and third signal, is not met by the Kfouri reference.

Further, the Examiner has not established a prima facie case of obviousness. To establish a prima facie case of obviousness, that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references.

The Examiner's rejection relies on an assumption that the knowledge necessary to organize the elements of the Kfouri and Smith references in a manner required to achieve the features of the present invention would have been within the abilities of one with ordinary skill in the art at the time. However, even if the elements were present and the knowledge was available, it does not necessarily follow as to why someone would want to make the required modifications to achieve the features of the present invention. Specifically, the disclosure of the Kfouri reference is directed toward orientation of a display with respect to a keypad orientation. There would be no suggestion or motivation to combine the teachings of Kfouri with any other reference which would not orient a display with respect to a keypad orientation.

Conclusion

In view of the above, it is believed that there are at least one or more errors or omissions in the Examiner's rejections.

Respectfully submitted,

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